



FACT SHEET: PROJECT VOTE'S TIES TO ACORN

On February 12, 2012, Washington DC-based Voting for America and its affiliate, Project Vote, filed a lawsuit in federal district court challenging Texas Election Code provisions that are intended to prevent voter registration fraud. The press release announcing the 2012 lawsuit describes Project Vote as only “an affiliate of” Voting for America—but what is not disclosed is the fact that Project Vote was originally created to serve as a voter registration and get-out-the-vote organization for ACORN.

ACORN's voter registration efforts drew intense public scrutiny after voter registration fraud was uncovered by state and federal authorities. According to congressional investigators, “nearly 70 ACORN employees have been convicted in 12 states for voter registration fraud.”¹ Congressional investigators also revealed that Project Vote routinely hired convicted felons, paid its employees for fraudulent registrations, and employed individuals whose illegal actions led to their conviction for voter registration fraud.

ACORN & PROJECT VOTE: ONE ORGANIZATION, TWO NAMES

Congressional investigators revealed that ACORN and Project Vote were virtually indistinguishable organizations that operated cohesively, transferred funds between their respective accounts, and relied on funding from a third ACORN-affiliated organization:

After reviewing several ACORN affiliates' Form 990s, congressional investigators determined that Project Vote paid ACORN more than \$10.8 million between 2000 and 2006.²

According to sworn testimony provided to the U.S. House Judiciary Committee, “Project Vote in 2007 had a \$28 million budget, which was funded by CCI, an affiliate of ACORN...All donations to ACORN or any of its approximately 175 affiliates are deposited into bank accounts held by CCI. Thereafter, CCI deposits money into various affiliates, one being Project Vote.”³

An internal memo obtained by congressional investigators reveals both the close, intertwined relationship between Project Vote and ACORN—and the fact that political staff at ACORN directed Project Vote's voter registration activities. In the memo, ACORN's Political Director recommends launching a new initiative, “Project Youth Vote, as a branded project of Project Vote/Voting for America, Inc., thus taking advantage of the fact that Project Vote and its work with ACORN were, by far, the largest Youth voter registration program in the country.”⁴

PROJECT VOTE: ACORN'S GET-OUT-THE –VOTE ORGANIZATIONS

Project Vote's own website contains multiple press releases detailing the organization's extensive ties—and close collaboration—with ACORN as well as Project Vote's defense of ACORN after widespread voter registration fraud allegations arose in 2008. The following are excerpts

¹ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 4.

² STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 37.

³ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 36.

⁴ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 58.

from press releases available on Project Vote's website, a federal Inspector General's Audit Findings, and investigative reports published by congressional staff.

PROJECT VOTE'S PRESS RELEASES

"Project Vote, in partnership with the community organization ACORN, helped collect over 1.3 million voter registration applications this year[2008]."⁵

"Project Vote, the nation's leading nonpartisan voter participation organization, and the Association of Community Organizations for Reform Now (ACORN), the country's largest community organization, announced the completion of a joint nonpartisan voter registration drive, which has succeeded in helping over 1.3 million Americans register to vote... Project Vote also announced that they are conducting efforts to make sure that everyone who attempted to register actually gets on the rolls. Project Vote lead counsel Brian Mellor explained that the organization took a random sampling of ACORN registrations in nine states, covering 14 counties, and checked to make sure the applicants had in fact been added to the voter lists."⁶

"On Friday Project Vote and the Association of Community Organizations for Reform Now (ACORN) held a news conference to discuss the importance of voter registration and to respond to partisan allegations of fraudulent registrations. [Project Vote Executive Director Michael] Slater emphasized that the investigations were not against ACORN itself, but against former ACORN workers..."

Despite his leadership role at Project Vote during the 2008 voter registration fraud scandal that ultimately led to ACORN's bankruptcy, the organization's website indicates that Slater still serves Executive Director today.⁷

U.S. ELECTION ASSISTANCE COMMISSION OIG REPORT (NOVEMBER, 2010):

"In 2006, Project Vote was awarded two grants, \$16,875 each, to develop and implement recruitment and training programs in Michigan and Delaware. According to information provided by Project Vote, they contracted with the Association of Communication Organizations for Reform Now (ACORN) to conduct the grant work... Upon making repeated requests for cost and accounting records, we were informed by Project Vote in April 2010 that Project Vote could not locate any cost or accounting records to support its or ACORN's expenditures under the grants. What is more, Project Vote could not demonstrate that a contract existed between itself and ACORN to perform grant services."⁸

CONGRESSIONAL FINDINGS

"[T]hat is to say, ACORN Housing, Project Vote, and CCI are not entities of ACORN but *are* ACORN."⁹ (emphasis added)

"Project Vote (ACORN's get-out-the-vote organization)."¹⁰

"Documents obtained by the Committee show ACORN authorizing selection of members charged with voter registration. Accordingly, ACORN can be held responsible for any fraudulent conduct having arisen from Project Vote's registration efforts."¹¹

⁵ <http://www.projectvote.org/newsreleases/312-new-voters-new-voices-record-turnout-a-triumph-for-democracy-says-project-vote.html>

⁶ <http://www.projectvote.org/newsreleases/294-project-vote-and-acorn-announce-completion-of-historic-voter-registration-drive.html>

⁷ <http://www.projectvote.org/our-staff.html>

⁸ U.S. ELECTION ASSISTANCE COMMISSION OFFICE OF THE INSPECTOR GENERAL, AUDIT REPORT, *Administration of Grant Funds Received Under Help America Vote College Program by Project Vote* (November, 2010) at p. 1.

⁹ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 12.

¹⁰ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 36.

“There is no distinction between ACORN and any of its affiliates. Affiliates share staff, funds, office space, responsibilities and common controls—there is no real separation between parts, making it impossible to consider them truly as truly separate organizations.”¹²

“Project Vote lacks hiring standards and routinely employs convicted felons.”¹³

JOINT CHALLENGES TO STATE ELECTION INTEGRITY LAWS

PROJECT VOTE’S PRESS RELEASES:

“Project Vote filed a lawsuit today on behalf of the Association of Community Organizations for Reform Now (ACORN)...The lawsuit charges that a Pennsylvania law unconstitutionally restricts ACORN’s right to conduct voter-registration drives by effectively prohibiting it from using paid canvassers.”¹⁴

“A group of civic organizations filed a lawsuit today seeking to overturn restrictions on voter registration in the state of Ohio. Groups joining in today’s lawsuit include Project Vote, Association of Community Organizers for Reform Now (ACORN).”¹⁵

CONGRESSIONAL INVESTIGATORS:

“ACORN, through Project Vote, threatened State Secretary of State offices with lawsuits, thus forcing political compromises at the expense of taxpayers.”¹⁶

ACORN & PROJECT VOTE: VOTER REGISTRATION FRAUD

The following is a sampling of voter registration fraud involving Project Vote and ACORN that was identified by congressional investigators.

ARKANSAS

“Project Vote employee was convicted and sentenced to 30 days of community service in 1998 for submitting more than 400 fake voter registration applications. Project Vote paid its employees \$1.00 for each voter registration application it received.”¹⁷

COLORADO

“Two employees of ACORN were charged and convicted, in 2004, for soliciting and submitting fraudulent voter registration forms. ACORN employees were provided financial incentives for meeting certain quotas.”¹⁸

¹¹ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 47.

¹² STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 6.

¹³ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 6.

¹⁴ <http://www.projectvote.org/newsreleases/439-project-vote-and-aclu-file-acorn-lawsuit-challenging-constitutionality-of-pennsylvania-voter-registration-law-.html>

¹⁵ <http://www.projectvote.org/administrator/images/publications/Litigation/Project%20Vote%20v.%20Blackwell/PressReleaseOHHB3.pdf>

¹⁶ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 5.

¹⁷ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 50.

¹⁸ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 51.

MICHIGAN

“In 2008, a former ACORN employee was charged and convicted of forgery for filling out, signing, and submitting 6 voter registration forms, using the names of two individuals without their permission.”¹⁹

“Project Vote was the subject of an investigation, in 2004, for allegedly submitting fraudulent applications and re-registering individuals who were already registered.”²⁰

MISSOURI

“In 2006, ACORN’s voter registration activities were investigated when its employees submitted fraudulent voter registration applications. This investigation led to the conviction of four former ACORN employees.”²¹

“Four former ACORN temporary employees were convicted of voter registration fraud in 2007.”²²

The following are excerpts from FBI agents’ handwritten investigative notes, which reflect the agents’ interviews with Project Vote’s voter registration staff:

“Project Vote will pay them whether [voter registration] cards fake or not—whatever they had to do to get cards was [their] attitude.”²³

“Fraudulent cards: To allow people who can’t vote to vote. To allow to vote multiple times.”²⁴

“PV pays ACORN \$6.00 / card. Said ‘You treat the cards like (cash) \$.’”²⁵

OHIO

“In 2009, an individual who was registered by ACORN multiple times was convicted for casting a fraudulent ballot. An ACORN employee was convicted, in 2004, for submitting a false registration form. In 2007, an individual who was registered by ACORN multiple times was convicted on two counts of casting a fraudulent ballot.”²⁶

PENNSYLVANIA

“In 2009, 7 ACORN employees were charged with a combined 51 counts of forgery and other violations for submitting forged voter registration forms. As of February of 2010, one of these individuals has been convicted, while the rest await trial.”²⁷

VIRGINIA

“Tidewater Project Vote’s incomplete or incorrect applications make up 83.12% of the total incomplete or incorrect applications received in 2005.”²⁸

¹⁹ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 51.

²⁰ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 52.

²¹ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 53.

²² STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 53.

²³ <http://www.judicialwatch.org/files/documents/2010/FBI-acorn-06012010-excerpt-3.pdf>

²⁴ <http://www.judicialwatch.org/files/documents/2010/FBI-acorn-06012010-excerpt-2.pdf>

²⁵ <http://www.judicialwatch.org/files/documents/2010/FBI-acorn-06012010-excerpt-6.pdf>

²⁶ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 54.

²⁷ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (Feb. 18, 2010) at p. 54.

²⁸ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 55.

OUTSIDE COUNSEL QUESTIONS ACORN, PROJECT VOTE'S PARTISAN OPERATIONS

ACORN and ten of its affiliates—including Project Vote—relied on the same law firm, Washington DC-based Harmon, Curran, Spielberg, and Eisenberg, LLP (“HCSE”), as their joint outside legal counsel. On June 18, 2008, HCSE provided ACORN a confidential memorandum examining the “operations and inter-relationships” of its eleven affiliates, including Project Vote.²⁹ The confidential memorandum was obtained by congressional investigators with the House Committee on Oversight and Government Reform. In addition to revealing that Project Vote and ACORN were essentially a single organization, HCSE’s confidential memo also expresses concerns that Project Vote was driven by “impermissible partisan considerations”—a finding that contradicts the organization’s claims of non-partisanship.³⁰

The following excerpt from HCSE’s confidential legal analysis expresses concern that ACORN and Project Vote did not adequately separate their tax-exempt nonprofit operations from their partisan political activities:

“We cannot confirm that strategic decisions about which regions do 501(c)(3) versus non-501(c)(3) voter engagement work are not being made by the name person or people. At a minimum, there is not adequate demonstrable separation between these functions. As a result, we may not be able to prove that 501(c)(3) resources are not being directed to specific regions based upon impermissible partisan considerations. Remember, it is the IRS that enforces the rules for 501(c)(3)s.”³¹

“Fences need to be erected to wall off types of election-related activity that must be kept completely separate...ACORN lacks the protective ‘walls’ needed to ensure that various types of activity are kept sufficiently separate.”³²

The following excerpt reveals that ACORN, a 501(c)(4), had actual control over the Project Vote, which is a nonprofit (c)(3):

“Project Vote has on paper a procedure to select regions where it will do voter registration, but [we] have heard reports in the past that in practice those decisions may be communicated to [Project Vote] from ACORN...Project Vote (and PICA, the other voter registration corporation) needs to be really in charge of deciding where 501(c)(3) resources will be focused.”³³

Referring to the complex and intertwined relationship between ACORN, Project Vote, and other affiliates, HCSE found that the ACORN’s failure to clearly delineate various staffers’ control over tax-exempt and non-tax-exempt operations created:

“[T]he appearance that someone is trying to hide something under a byzantine corporate structure...funds have been raised and spent by people with no official relationship to a given corporation.”³⁴

²⁹ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 16.

³⁰ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 16.

³¹ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 49.

³² STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 58.

³³ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG. (July 23, 2009) at p. 50.

³⁴ STAFF OF THE HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 111TH CONG., REPORT ON ACORN (July 23, 2009) at p. 59.